

Remarks

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Upon entry of the foregoing amendment, claims 1-13, 16-22, 26-30, 32, and 36-54 are pending in the application, with claims 1, 20, 22, 26, 36, 44, and 51 being the independent claims. Claims 1, 7-11, 20, 36-44, and 51 are amended herein. These changes are believed to introduce no new matter, and their entry is respectfully requested. Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

The Office Action rejected claims 1-5, 7-12, 16-22, 26-30, 32, 36-38, 40-41, and 44-54 under 35 U.S.C. § 103(a) as being unpatentable over Tal U.S. Pat. No. 4,975,969 (hereinafter Tal) in view of Morrison *et al.* U.S. Pat. No. 6,522,772 (hereinafter Morrison). Applicants have carefully considered the Examiner's comments, but, for the reasons set forth herein, respectfully traverse.

Claim 1, as amended, recites "capturing facial features of a second person by taking pictures at different angles using a rotating camera". Neither Tal nor Morrison teaches or suggests using *a rotating camera* to take pictures at different angles to capture facial features of a person. For at least this reason, independent claim 1, as amended, is patentable over Tal and Morrison. Reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

Independent claims 20, 36, 44, and 51, as amended, recite similar features regarding the use of a rotating camera to take pictures at different angles as recited in amended claim 1. For at least the reasons provided above with respect to claim 1, claims 20, 36, 44, and 51 are patentable over Tal and Morrison. Reconsideration and withdrawal of the rejections of claims 20, 36, 44, and 51 is respectfully requested.

Claims 2-5, 7-12, 16-19, 21, 37-38, 40-41, 45-50, and 52-54 each depend directly or indirectly from one of claims 1, 20, 36, 44, and 51. For at least the reasons provided above with respect to claims 1, 20, 36, 44, and 51, claims 2-5, 7-12, 16-19, 21, 37-38, 40-41, 45-50, and 52-54 are patentable over Tal and Morrison. Reconsideration and withdrawal of the rejections of claims 2-5, 7-12, 16-19, 21, 37-38, 40-41, 45-50, and 52-54 is respectfully requested.

Furthermore, independent claims 22 and 26 recite, among other features, "...said feature data including a forehead-to-chin separation distance of said card owner". In the rejections of claims 22 and 26, the Examiner concedes that Tal does not teach using a forehead-to-chin separation distance, but states that Tal suggests that other facial parameters might be applied.

In col. 4, lines 41-43, Tal recites that "facial points or locations should not be coverable by *haircut style*, beard, moustache, or cosmetic makeup." Accordingly, Tal teaches away from using facial parameters similar to the forehead-to-chin distance, since this would be coverable by haircut style. For at least this reason, claims 22 and 26 are patentable over Tal and Morrison. Reconsideration and withdrawal of the rejections of claims 22 and 26 is respectfully requested.

The Office Action rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Tal in view of Morrison, and further in view of Payne *et al.* U.S. Pat. No. 6,072,894 (hereinafter Payne). Applicants respectfully traverse.

Claim 6 depends from claim 1. For at least the reasons provided above with respect to claim 1, claim 6 is patentable. Payne does not cure the defects of Tal and Morrison discussed above with respect to claim 1. Therefore Applicants request reconsideration and withdrawal of the rejection of claim 6.

The Office Action rejected claim 39 under 35 U.S.C. § 103(a) as being unpatentable over Tal in view of Payne. Applicants respectfully traverse.

Claim 39 depends indirectly from claim 36. For at least the reasons provided above with respect to claim 36, claim 39 is patentable. Payne does not cure the defects of Tal discussed above. Therefore, Applicants request reconsideration and withdrawal of the rejection of claim 39.

The Office Action rejected claims 42 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Tal in view of Morrison, and further in view of Schwab U.S. Pat. No. 5,973,731 (hereinafter Schwab). Applicants respectfully traverse.

Claims 42 and 43 depend indirectly from claim 36. For at least the reasons provided above with respect to claim 36, claims 42 and 43 are patentable. Schwab does not cure defects of Tal and Morrison discussed above. Therefore, Applicants request reconsideration and withdrawal of the rejection of claim 39.

Based on the above discussion, Applicants request that claims 1-13, 16-22, 26-30, 32, and 36-54 be passed to allowance.

Conclusion

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All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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